

REMARKS

This application has been reviewed in light of the Office Action dated March 22, 2007. Claims 1, 2, 4, 6, 8, 9, 10, 12, 13, 15, 17, 19, 20, 21, 47-49 are presented for examination, of which Claims 1, 8, 9, 12, 19, 20, 47 and 49 are in independent form. Claim 34 has been canceled, without prejudice or disclaimer of subject matter. Claims 1, 8, 9, 12, 19, 20, 47 and 49 have been amended to define still more clearly what Applicant regards as his invention. Favorable reconsideration is requested. The canceled claims will not be further addressed herein.

The specification was objected to as failing to provide antecedent basis for the claimed subject matter. In particular, the Office Action states that the "limitation of 'computer readable medium' is not stated in the specification and therefore could be interpreted as a transmission medium per se." Without conceding the correctness of this rejection, Applicant has canceled Claim 34, the only Claim containing the objected to language and, accordingly, Applicant respectfully submits that this objection has been obviated.

Claims 8 and 19 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Office Action states that the "specification does not disclose or teach how a TTL value is a specific value different from a value which is generally set under the predetermined protocol." Applicant has carefully reviewed and amended Claims 8 and 9 to ensure that they fully comply with the requirements of Section 112, first paragraph. Applicant submits that the amended claim language is clearly supported in the specification on at least page 25, lines 9-13 and page 26, lines 14-16 and page 27, lines 23-25. Applicant believes that the rejection under Section 112, first paragraph, has been obviated,

and its withdrawal is, therefore, respectfully requested.

Claims 1, 4, 6, 9, 10, 12, 13, 15, 17, 20, 21 and 47 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons set forth in paragraph 10 of the Office Action. Applicant respectfully submits that the rejected claims, when read (as the law requires that they be read) in light of the specification, are sufficiently clear such that one of ordinary skill in the relevant art would understand with the legally-required degree of certainty the scope of these claims. In particular, the recitation that “the data length is a specific value indicative of a specific data length different from actual data length of the received data” of the claims are described on at least page 23, lines 5-7 and page 24, lines 15-17 *et seq.*

Claims 1, 2, 4, 12, 13, 15 and 47-49 were rejected under 35 U.S.C. § 103(a) as being unpatentable RFC 2390 in view of U.S. Patent No. 6,438,607 (Fugimori) and “what is well known in the art.”

Claims 6, 9, 10, 17, 20 and 21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable RFC 2390 in view of Fugimori and in further view of U.S. Patent No. 5,850,388 (Anderson et al.).

Claims 8 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable RFC 2390 in view of Fugimori and in further view of U.S. Patent No. 6,310,858 (Kano et al.).

As shown above, Applicant has amended independent Claims 1, 8, 9, 12, 19, 20, 47 and 49 in terms that more clearly define what he regards as his invention. Applicant submits that these amended independent claims, together with the remaining claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

Claim 1 is directed to a network apparatus including: (1) a receiving unit adapted

to receive data from a network; (2) a detecting unit adapted to detect a value indicative of a data length in a packet header of the data received by the receiving unit, the packet header being provided for a predetermined protocol; and (3) a setting unit adapted to set a destination logic address of the received data as a logic address of the network apparatus in a case where the detected value indicative of the data length is a specific value indicative of a specific data length different from actual data length of the received data and a destination physical address of the received data and a physical address of said network apparatus are the same.

Among other notable features of Claim 1 is: (1) a detecting unit adapted to detect a value indicative of a data length in a packet header of the data received by the receiving unit, the packet header being provided for a predetermined protocol; and (2) a setting unit adapted to set a destination logic address of the received data as a logic address of the network apparatus in a case where the detected value indicative of the data length is a specific value indicative of a specific data length different from actual data length of the received data and a destination physical address of the received data and a physical address of said network apparatus are the same.

RFC 2390 relates to an Address Resolution Protocol (ARP) for allowing a station to request a protocol address corresponding to a given hardware address. RFC 2390 discusses that a receiving station receives a request including a hardware destination address of the receiving station, and transmits a response to a requester notifying the requester of a logical address of the receiving station. However, even in such case, the destination logical address of the received data is not set as the logical address of the receiving station. Rather, the logical address of the receiving station is provided in the response to notify the requester of the logical

address of the receiving station. Thus, Applicant has found nothing in RFC 2390 that would teach or suggest “a setting unit adapted to set a destination logic address of the received data as a logic address of said network apparatus in a case where the detected value indicative of the data length is a specific value indicative of a specific data length different from actual data length of the received data and a destination physical address of the received data and a physical address of said network apparatus are the same,” as recited in Claim 1.

Applicant also has found nothing in RFC 2390 that would teach or suggest the detecting unit of Claim 1, and from the Office Action, it is believed that the Examiner does not disagree.

Fujimori does not remedy the deficiencies of RFC 2390. Fujimori discusses a system wherein ARP type communication is facilitated by providing nodes that generate ARP requests and response packets. Each node is assigned a node unique ID for the purpose of providing an unchanging identifier for each node. However, a node that receives ARP data does not set a destination logical address of the ARP data as the logical address of the receiving node. Thus, Applicant has found nothing in Fujimori that would teach or suggest “a setting unit adapted to set a destination logic address of the received data as a logic address of said network apparatus in a case where the detected value indicative of the data length is a specific value indicative of a specific data length different from actual data length of the received data and a destination physical address of the received data and a physical address of said network apparatus are the same,” as recited in Claim 1.

In addition, the Office Action cites column 4, lines 48-61 of Fujimori as disclosing the detecting unit of Claim 1. Applicant respectfully disagrees. The cited passage

merely discusses that a node that receives an ARP request detects an error in a packet using error checking bits. However, the error checking bits are neither a value indicating a data length (nor a TTL value as it relates to Claim 8 for that matter). Moreover, even if the error checking bit did correspond to the value indicating the data length (or the TTL) value, the receiving node does not set the destination logical address of the ARP data as the logical address of the receiving node. Thus, Applicant has found nothing in RFC 2390 that would teach or suggest “a detecting unit adapted to detect a value indicative of a data length in a packet header of the data received by said receiving unit, the packet header being provided for a predetermined protocol,” as recited in Claim 1.

Accordingly, Applicants submit that Claim 1 is patentable over RFC 2390 and Fujimori, whether considered separately or in any permissible combination (if any).

A review of the other art of record, including Anderson and Kano, has failed to reveal anything which, in Applicant’s opinion, would remedy the deficiencies of the art discussed above, as a reference against Claim 1.

Independent Claim 12 is a method claim corresponding to apparatus Claim 1, and is believed to be patentable for at least the same reasons as discussed above in connection with Claim 1. Additionally, independent Claims 9, 20, 47 and 49 include a feature substantially similar as that discussed above in connection with Claim 1. Accordingly, Claims 9, 20, 47 and 49 are believed to be patentable for reasons substantially similar as those discussed above in connection with Claim 1.

Claim 8 is directed to a network apparatus including: (1) a receiving unit adapted to receive data from a network; (2) a detecting unit adapted to detect a TTL value in a packet

header of the data received by the receiving unit, the packet header being provided for a predetermined protocol, the TTL value being referred to by a router and reduced by the router when the router receives the data; and (3) a setting unit adapted to set a destination logic address of the received data as a logic address of the network apparatus in a case where the detected TTL value is a specific TTL value different from a TTL value which is generally set by a ping program, and a destination physical address of the received data and a physical address of the network apparatus are the same.

For substantially the same reasons as discussed above with respect to Claim 1, Applicant has found nothing that would teach or suggest “a detecting unit adapted to detect a TTL value in a packet header of the data received by said receiving unit, the packet header being provided for a predetermined protocol, the TTL value being referred to by a router and reduced by the router when the router receives the data” or “a setting unit adapted to set a destination logic address of the received data as a logic address of said network apparatus in a case where the detected TTL value is a specific TTL value different from a TTL value which is generally set by a ping program, and a destination physical address of the received data and a physical address of said network apparatus are the same,” as recited in Claim 8.

Accordingly, Applicant submits that Claim 8 is patentable over RFC 2390 and Fujimori.

A review of the other art of record, including Anderson and Kano, has failed to reveal anything which, in Applicant’s opinion, would remedy the deficiencies of the art discussed above, as a reference against Claim 8.

Independent Claim 19 is a method claim corresponding to apparatus Claim 8, and

is believed to be patentable for at least the same reasons as discussed above in connection with Claim 8.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

This Amendment After Final Action is believed clearly to place this application in condition for allowance and, therefore, its entry is believed proper under 37 C.F.R. § 1.116. Accordingly, entry of this Amendment After Final Action, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicant's respectfully request favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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